



October 21, 2003 CPC
January 20, 2004 CPC
February 25, 2004 BS
April 28, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0329
(Amended)

Lewis W. Combs, Jr. and James F. Stephens

Midlothian Magisterial District
Robious Elementary School; Robious Middle School;
and James River High School zones
South line of Robious Road

REQUEST: Rezoning from Residential (R-40) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Specifically, a ten (10) foot exception to the forty (40) foot front yard requirement is requested.

PROPOSED LAND USE:

A single family residential subdivision with a maximum of eleven (11) lots and a minimum lot size of 15,000 square feet and an overall average lot size of more than 21,000 square feet is planned, yielding a density of approximately 1.7 dwelling units per acre.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land use conform to the Northern Area Plan, which suggests the property is appropriate for medium density residential use at a density of 1.51 to 4.0 units per acre.

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- B. The proposed zoning and land use is representative of and compatible with existing area residential development.
- C. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

- (STAFF) With approval of this request a ten (10) foot exception to the forty (40) foot front yard requirement shall be granted. (P)

PROFFERED CONDITIONS

- (STAFF) 1. No direct access shall be provided from the property to Robious Road. (T)
- (STAFF) 2. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the south side of Robious Road, measured from the centerline of that part of Robious Road immediately adjacent to the property shall be dedicated, free and unrestricted, to and for benefit of Chesterfield County. (T)
- (STAFF) 3. Except for timbering approved by the Virginia State Forestry Department for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF) 4. The public water and wastewater systems shall be used. (U)
- (STAFF) 5. A maximum of eleven (11) lots shall be permitted. (P)
- (STAFF) 6. No lot will be smaller than 15,000 square feet, and the overall average lot size shall exceed 21,000 square feet. (P)

- (STAFF) 7. For each lot for which a building permit is secured beginning with the 7th residence, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property.
- a. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1 2003, and July 1 of the fiscal year in which the payment is made.
 - b. In the event that any building permits issued on the property are for senior house, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq. as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made. At the time of payment, the \$4,815 shall be allocated pro-rata among the facility costs as follows: \$598 for parks facilities, \$324 for libraries, \$346 for fire stations, and \$3,547 for roads. Payments in excess of \$4,815 shall be prorated as set forth above.
 - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

GENERAL INFORMATION

Location:

Fronts the south line of Robious Road, east of Sandhurst Lane. Tax ID 735-716-8642 (Sheet 2).

Existing Zoning:

R-40

Size:

6.5 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North and West - R-40; Single family residential or vacant
South and East - R-15; Single family residential

UTILITIES

Public Water System:

There is a sixteen (16) inch water line along the north side of Robious Road, adjacent to the request site. In addition, a six (6) inch water line extends along Auger Lane and terminates approximately forty (40) feet east of this site. Use of the public water system is intended and has been proffered. (Proffered Condition 4)

Preliminary investigations of the water pressure in this area indicate a potential for low domestic (static) pressure on lots with an elevation greater than 380 feet. Individual booster pumps may be necessary to provide the desired level of water pressure.

Public Wastewater System:

There is an eight (8) inch wastewater collector extending along Framar Drive approximately 200 feet south of this site. In addition, there is an eight (8) inch wastewater collector line in Auger Lane that terminates approximately 120 feet east of this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 4)

ENVIRONMENTAL

Drainage and Erosion:

The property drains south and then via storm sewers in Roxshire Subdivision to a tributary of Falling Creek. There are no existing or anticipated on- or off-site drainage or erosion problems.

The property is wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 3). This will insure adequate erosion control measures are in place prior to any timbering.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that Emergency Services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on five (5) new dwelling units, this request will generate approximately one (1) call for fire and EMS services each year. The applicant has offered measures to assist in addressing the impact on fire service. (Proffered Condition 7)

The Bon Air Fire Station, Company Number 4, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately two (2) school age children will be generated by this development. The site lies in the Robious Elementary School attendance zone: capacity - 689, enrollment - 540; Robious Middle School zone: capacity - 1,107, enrollment - 1,107; and James River High School zone: capacity - 2,067, enrollment - 1,829.

This development will have impact on the middle school. There are currently six (6) trailers at Robious Middle School. The applicant has offered measures to assist in addressing the impact on school facilities. (Proffered Condition 7)

Libraries:

Consistent with the Board of Supervisors' Policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

This development is located such that it could affect either the Midlothian Library or the Bon Air Library. The Public Facilities Plan identifies a need for additional Library space in this area of the County. The applicant has offered measures to assist in addressing the impact on library facilities. (Proffered Condition 7)

Transportation:

The applicant is requesting rezoning from Residential (R-40) to Residential (R-15) and has proffered a maximum of eleven (11) lots will be developed on the property (Proffered Condition 5). Based on single family trip rates, development could generate approximately 100 average daily trips. These vehicles will be distributed along Robious Road, which had a 2002 traffic count of 10,370 vehicles per day.

The Thoroughfare Plan identifies Robious Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way on the east side of the road, measured from the centerline of Robious Road, in accordance with that Plan. (Proffered Condition 2)

Access to major arterials, such as Robious Road, should be controlled. The applicant has proffered that no direct access will be provided from the property to Robious Road (Proffered Condition 1). Access to Robious Road will be provided via Auger Lane and Old Gun Road in Roxshire Subdivision.

The traffic impact of this development must be addressed. Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. (Proffered Condition 7)

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	5*	1.00
Population Increase	2.00	2.72
Number of New Students		
Elementary	1.20	0.24
Middle	0.65	0.13
High	0.85	0.17
TOTAL	2.70	0.54
Net Cost for Schools	24,235	4,847
Net Cost for Parks	3,465	693
Net Cost for Libraries	1,875	375
Net Cost for Fire Stations	2,005	401
Average Net Cost for Roads	20,545	4,109
TOTAL NET COST	52,125	10,425

* Based on a proffered maximum density reduced by the six (6) units allowable on the R-40 parcel (Proffered Condition 5). The actual number of units developed and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has been further advised that a maximum proffer of \$4,815 per unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the proposed development, as it will not have an increased impact on school facilities. It should be noted, units designated as age-restricted shall be so identified at time of tentative subdivision approval. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 7)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan, which suggests the property is appropriate for medium density residential use at a density of 1.51 to 4.0 units per acre.

Area Development Trends:

Area properties are characterized by residential zoning and development in Wildwood Estates and Roxshire Subdivisions, as well as on larger lots west of the request site. Residential development is anticipated to continue in the area, as suggested by the Plan.

CONCLUSIONS

The proposed zoning and land use conform to the Northern Area Plan, which suggests the property is appropriate for medium density residential use at a density of 1.51 to 4.0 units per acre. In addition, the proposed zoning and land use is representative of and compatible with existing area residential development. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (10/21/03):

On their own motion, the Commission deferred this case to January 20, 2004.

Staff (11/4/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than November 17, 2003, for consideration at the Commission's January 20, 2004, public hearing.

Applicant (12/4/03):

The application was amended.

Applicant (12/8/03):

A revised Textual Statement and amended proffered conditions were submitted.

Applicant (1/6/04 and 1/12/04):

A revised Textual Statement and amended proffered conditions were submitted.

Planning Commission Meeting (1/20/04):

The applicant accepted staff's recommendation but did not accept the Commission's recommendation. There was no opposition present.

Mr. Gecker indicated he had correspondence from Roxshire opposing the request. He noted a commitment had been made to not rezone R-40 properties in the area to allow smaller lots as was the case in a more recent request. He also noted the setback exceptions should not be granted.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission recommended denial of this request.

Board of Supervisors Meeting (2/25/04):

At the request of the applicants, the Board deferred this case to April 28, 2004.

Staff (3/1/04 and 3/22/04):

The applicants were advised in writing that any significant new or revised information should be submitted no later than March 5, 2004, for consideration at the Board's April 28, 2004, public hearing. Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Board's public hearing.

Staff (3/22/04):

To date, no new information has been submitted nor has the \$250.00 deferral fee been paid.

Applicant (4/5/04):

The \$250.00 deferral fee was paid.

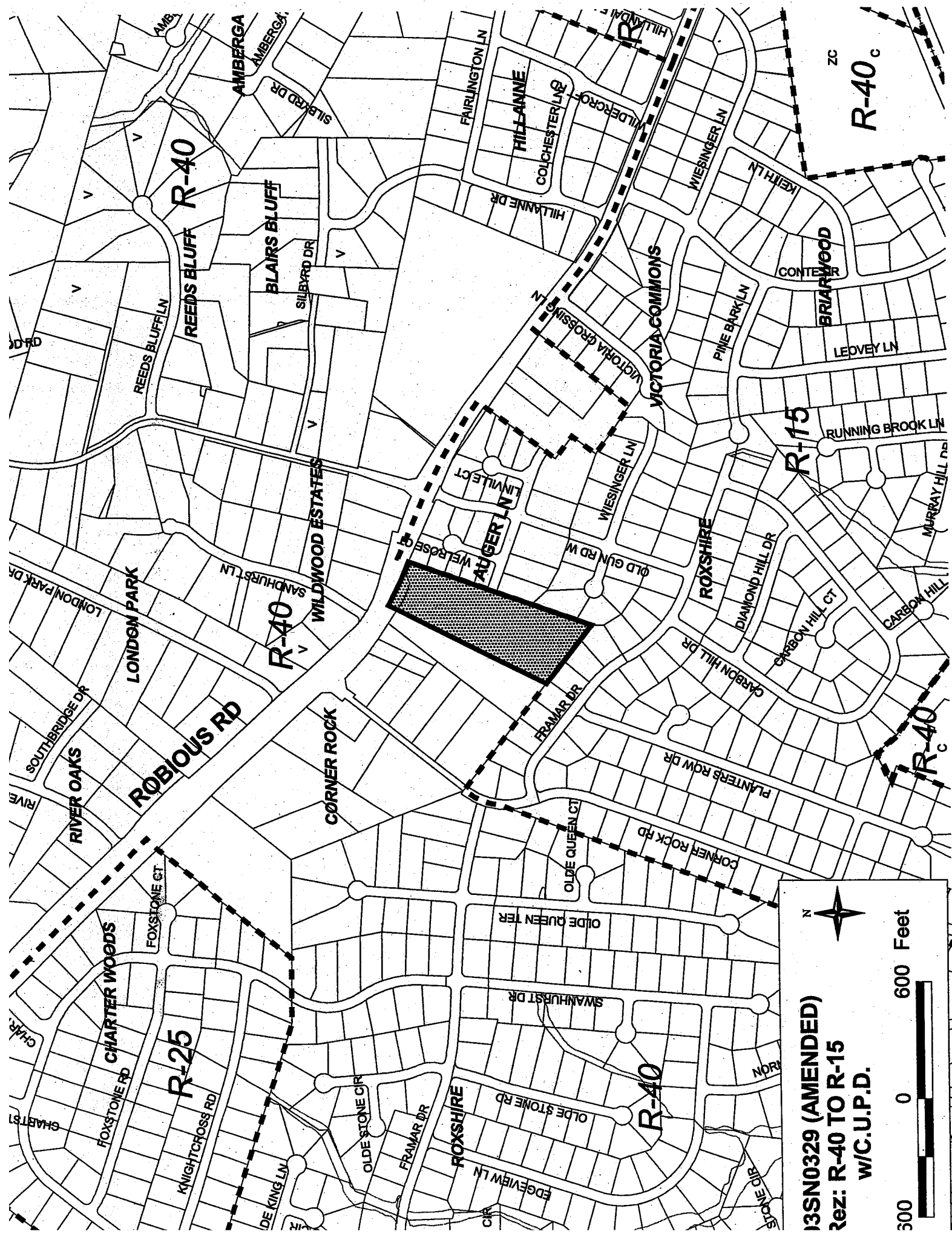
The Board of Supervisors, on Wednesday, April 28, 2004, beginning at 7:00 p.m., will take under consideration this request.

Textual Statement

Lot Size: **No exception requested**

Setbacks:

- **A ten (10) foot exception to the forty (40) foot front yard setback requirement.**
- **No exception is requested to the fifteen (15) foot side yard setback requirement.**



13SN0329 (AMENDED)
Rez: R-40 TO R-15
w/C.U.P.D.

